

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TYRONE JOHNSON,

Plaintiff

Case No. 2:20-cv-01309-RFB-NJK

ORDER

v.

CORE CIVIC, *et al.*,

Defendants

I. DISCUSSION

On July 15, 2020, Plaintiff, an inmate in the custody of the Nevada Southern Detention Center (“NSDC”), submitted a civil rights complaint under 42 U.S.C. § 1983 and filed an application to proceed *in forma pauperis*. Docket Nos. 1-1, 1. Plaintiff’s application to proceed *in forma pauperis* is incomplete.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil action without prepaying the full \$400 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

(1) a completed **Application to Proceed in Forma Pauperis for Inmate**, on this Court’s approved form (i.e. pages 1 through 3 with the inmate’s two signatures on page 3);

(2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court’s approved form); and

(3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**. If Plaintiff has not been at the facility a full six-month period, Plaintiff must still submit an inmate account statement for the dates he has been present at the facility.

Plaintiff has not filed an inmate account statement with this application to proceed *in forma pauperis*. As previously stated, if Plaintiff has not been at the facility a full six-month period, Plaintiff must still submit an inmate account statement for the dates he has been present at the

1 facility. The Court is aware that officials at Nevada Southern Detention Center are capable of
2 producing an inmate account statement for inmates present at the facility less than six months
3 because the Court has received such statements.

4 Accordingly, the Court denies Plaintiff's application to proceed *in forma pauperis*, Docket
5 No. 1, without prejudice because the application is incomplete.

6 It is important that Plaintiff understand that a financial certificate and an inmate account
7 statement are not the same thing. Documentation concerning a financial certificate is not
8 documentation about an inmate account statement. If Plaintiff has difficulty obtaining both a
9 financial certificate and an inmate account statement from prison officials, Plaintiff shall file an
10 affidavit in this case detailing when he requested both documents, who he spoke to about the status
11 of both documents, who he followed up with after he did not receive both documents, and their
12 responses. Therefore, any affidavit provided by Plaintiff must document his efforts with regard to
13 both a financial certificate and an inmate account statement, not merely a financial certificate.

14 Specifically, if Plaintiff is unable to acquire the necessary documents from prison officials,
15 after making efforts to do so following receipt of this order, he must provide the Court with an
16 affidavit that demonstrates that he has done all that he could to acquire both a financial certificate
17 and an inmate account statement by the Court's deadline. Plaintiff's affidavit should include dates
18 of his requests, dates of his follow-up requests, names of the prison officials that he spoke to about
19 the matter, and their responses. If Plaintiff's affidavit demonstrates that he has done all that was
20 possible to acquire both a financial certificate and an inmate account statement, the Court will
21 consider his application to proceed *in forma pauperis* complete.¹

22 Plaintiff should **not** file multiple letters or objections regarding these requirements as this
23 imposes an unnecessary administrative burden on the Court and delays the ability of the Court to
24 address substantive issues in cases. Plaintiff should simply file one affidavit.

25 The Court will grant Plaintiff a **one-time extension** until on or before **September 25, 2020**,
26

27 ¹ Plaintiff must still submit the first three pages of the application to proceed *in forma*
28 *pauperis* on this Court's approved form with his affidavit. If Plaintiff does not submit the first
three pages of the application to proceed *in forma pauperis* with the affidavit, the Court will
dismiss the case without prejudice for Plaintiff to open a new case when he is able to acquire the
required documents.

1 to file either a fully complete application to proceed *in forma pauperis* containing all three of the
2 required documents or, alternatively, the first three pages of the application to proceed *in forma*
3 *pauperis* and an affidavit detailing the efforts he took to acquire both a financial certificate and an
4 inmate account statement from prison officials. Absent unusual circumstances, the Court will not
5 grant any further extensions of time. If Plaintiff does not file either a fully complete application
6 to proceed *in forma pauperis* with all three required documents or, alternatively, the first three
7 pages of the application to proceed *in forma pauperis* and an affidavit detailing the efforts he took
8 to acquire both a financial certificate and an inmate account statement from prison officials on or
9 before **September 25, 2020**, the Court will dismiss this case without prejudice for Plaintiff to file
10 a new case with the Court when Plaintiff is able to either acquire all three of the documents needed
11 to file a fully complete application to proceed *in forma pauperis* or, alternatively, the first three
12 pages of the application to proceed *in forma pauperis* and an affidavit detailing the efforts he took
13 to acquire both a financial certificate and an inmate account statement from prison officials.

14 A dismissal without prejudice means Plaintiff does not give up the right to refile the case
15 with the Court, under a new case number, when Plaintiff has either all three documents needed to
16 submit with the application to proceed *in forma pauperis* or, alternatively, the first three pages of
17 the application to proceed *in forma pauperis* and an affidavit detailing the efforts he took to acquire
18 both a financial certificate and an inmate account statement from prison officials. Plaintiff may
19 also choose not to file an application to proceed *in forma pauperis* and instead pay the full filing
20 fee of \$400 on or before **September 25, 2020** to proceed with this case.

21 **II. CONCLUSION**

22 For the foregoing reasons, IT IS ORDERED that Plaintiff's application to proceed *in forma*
23 *pauperis*, Docket No. 1, is denied without prejudice to file either a new and fully complete
24 application to proceed *in forma pauperis* with all three documents or, alternatively, the first three
25 pages of the application to proceed *in forma pauperis* and an affidavit detailing the efforts he took
26 to acquire both a financial certificate and an inmate account statement from prison officials.

27 IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff the approved
28 form application to proceed *in forma pauperis* by an inmate, as well as the document entitled

1 information and instructions for filing an *in forma pauperis* application.

2 IT IS FURTHER ORDERED that, on or before **September 25, 2020**, Plaintiff will either
3 pay the full \$400 filing fee for a civil action (which includes the \$350 filing fee and the \$50
4 administrative fee) or file with the Court:

5 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this Court's
6 approved form (i.e. pages 1 through 3 of the form with the inmate's two signatures on page
7 3);

8 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official
9 (i.e. page 4 of this Court's approved form); and

10 (3) a copy of the **inmate's prison or jail trust fund account statement for the previous**
11 **six-month period**. If Plaintiff has not been at the facility a full six-month period, Plaintiff must
12 still submit an inmate account statement for the dates he has been present at the facility.

13 Alternatively, Plaintiff must file with the Court the first three pages of the application to
14 proceed *in forma pauperis* and an affidavit detailing the efforts he took to acquire both a financial
15 certificate and an inmate account statement from prison officials.

16 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete application to
17 proceed *in forma pauperis* with all three documents or, alternatively, the first three pages of the
18 application to proceed *in forma pauperis* and an affidavit detailing the efforts he took to acquire
19 both a financial certificate and an inmate account statement from prison officials, or pay the full
20 \$400 filing fee for a civil action on or before **September 25, 2020**, the Court will dismiss this
21 action without prejudice for Plaintiff to refile the case with the Court, under a new case number,
22 when Plaintiff has all three documents needed to file a complete application to proceed *in forma*
23 *pauperis*.

24 IT IS SO ORDERED.

25 DATED: July 28, 2020.

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27 
28 NANCY J. KOPPE
UNITED STATES MAGISTRATE JUDGE